



# Short Subdivisions

# 25



A DDES Customer Information Bulletin



King County Department of Development and Environmental Services  
900 Oakesdale Avenue Southwest Renton, Washington 98055-1219

<http://www.metrokc.gov/ddes>

## Frequently Asked Questions

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

This bulletin explains the requirements and the process for subdividing short property in unincorporated King County and answers questions regarding problems you may encounter. It is not intended to replace legal, engineering, or other professional services, but should help you decide when you may need such expert assistance. Call the Department of Development and Environmental Services (DDES), Land Use Services Division (LUSD), at 206-296-6640, if you have questions that are not answered by the information in this bulletin.

### What is a short subdivision?

When you want to sell, trade, or give away a portion of your property to someone other than an owner of an abutting property, you must first subdivide it (land may be transferred to an abutting property owner through a process known as boundary line adjustment). A short subdivision, often called a short plat, is a division of property into four or fewer lots. Figure 1, on the following page, shows a proposed short subdivision as drawn for preliminary application.

Here is an example to help illustrate a short subdivision -- If you want to sell half of an existing lot, you must first subdivide it into two separate lots, one that you want to keep, and one that you want to sell. Everyone who shares ownership or who has an interest in the property (e.g., spouse, partner, mortgage company, real estate contract holder, etc.) must agree to sign on the face of the final short subdivision document.

For information regarding the laws governing subdivisions, see Chapter 58.17 of the Revised Code of Washington (RCW) and King County Ordinance 13694, adopted December 13, 1999 and effective January 3, 2000. Ordinance 13694 repeals the existing Title 19 of the King County Code and will be codified as a new title.

# Short Subdivisions

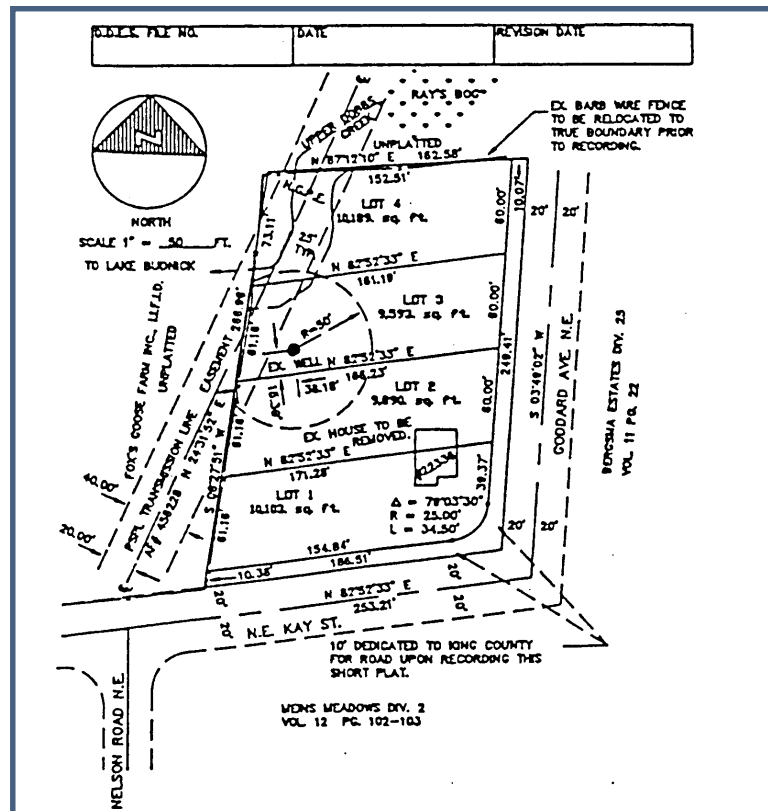
25

## Frequently Asked Questions

### Why are short subdivisions necessary?

State and County laws require short subdivisions for the following reasons:

- ◆ To ensure that the new lots meet minimum zoning requirements for building.
- ◆ To protect the interests of the seller, buyers, builders, and neighbors.
- ◆ To prevent or mitigate drainage problems, access and traffic safety problems, and public health hazards.
- ◆ To plan wisely for community growth and neighborhood traffic circulation.
- ◆ To maintain accurate public records of land divisions.



### When is it unnecessary to short subdivide?

If the portion of your property that you want to sell is already a separate legal lot, you do not have to short subdivide. Other circumstances in which short subdivision approval is not needed include the following:

- ◆ When buying or selling cemeteries and other burial plots (Ordinance 13694, section 39A).
- ◆ When creating new lots or tracts that are each 40 acres or larger, provided King County zoning requirements allow for 40-acre parcels (Ordinance 13694, section 39B).
- ◆ When selling or deeding five acres or more to a public agency (Ordinance 13694, section 39C).
- ◆ When executing a will that legally divides property (Ordinance 13694, section 39D).
- ◆ When dividing land into lots or tracts under a recorded residential condominium binding site plan (Ordinance 13694, section 39E).
- ◆ When dividing land by adjusting boundary lines, as long as the division does not create any new lot or reduce an existing lot to an area insufficient for a building site (Ordinance 13694, section 39F).
- ◆ When a division is for the purpose of leasing mobile home space in lots with an approved mobile home park site plan (Ordinance 13694, section G).
- ◆ When dividing land by binding site plan into lots or tracts classified for industrial or commercial use (Ordinance 13694, section 39H).
- ◆ When a public road or freeway is planned and constructed that divides property (Ordinance 13694, section I).

## Frequently Asked Questions

**Note: A boundary-line adjustment requires review and approval by DDES (Ordinance 13694, sections 79-82). See also DDES Public Rules Chapter 19-08, Adjusting Boundary Lines.**

In all cases where you may be considering one of the exemptions listed above, consult LUSD staff before proceeding because parcels that fail to meet County zoning, health, or access requirements will not be granted a building permit.

### How many lots may I make?

To meet short subdivision requirements, your property must be considered to be a legal lot, as defined in K.C. Ordinance 13694, sections 23 and 42. You may short subdivide a legal lot into a maximum of four lots. The number of lots you may create depends on how much land you own and the zoning requirements that apply to your property. If you have an ownership interest in two or more contiguous lots, however, you may create eight lots. You must wait five years before short subdividing any lots created by short subdivision (but you may subdivide through the subdivision process at any time). A short subdivision may include any number of tracts (land reserved for special uses such as open space, surface water retention/detention utilities, or access). Tracts are not counted as lots, and they cannot be used as residential building lots.

An owner of an existing non-building lot (as designated through an approved short subdivision or subdivision) may have it recognized by King County as a legal lot and a legal building site through short subdivision or short subdivision alteration.

### What are the costs?

Applicable fees for short subdivisions vary significantly and depend on many factors. The fees are subject to change by the King County Council. Refer to the current list of fees, available at DDES, for specific amounts. Some or all of the County fees that are listed below must be paid, depending on the specific situation:

- ◆ Certificate of transportation concurrency fee
- ◆ Health Department review fees
- ◆ Preliminary application fee
- ◆ Fire Marshal review fee
- ◆ State Environmental Policy Act (SEPA) fee
- ◆ Sensitive areas review fee
- ◆ Variance review fee
- ◆ Engineering review fees
- ◆ Inspection fees
- ◆ Right-of-way restoration financial guarantee
- ◆ Final short plat review fee
- ◆ Division of Records and Elections recording fee

## Frequently Asked Questions

Additional costs and other expenses, depending on your particular situation, could include the following:

- ◆ A consulting fee for preparing applications.
- ◆ Water and sewer district certificates of availability (vary by district).
- ◆ Costs associated with determining the site's suitability for on-site sewage disposal (septic tanks and drainfields).
- ◆ Special studies, such as a soil report, wetland study, or traffic analysis.
- ◆ A short plat title certificate.
- ◆ Engineering costs for surface water drainage plans and road plans and profiles.
- ◆ Costs of constructing and installing roads and drainage systems, water supply, sewer lines, and other required utilities.
- ◆ Performance and maintenance bonds.
- ◆ Fees for preparation of final short plat by land surveyor.

## What procedures must I follow?

Although obtaining approval of a short subdivision could be a two-step process (preliminary approval and final review), most short subdivisions require seven steps, which include the following:

- ◆ Feasibility conference
- ◆ Preapplication meeting
- ◆ Preliminary application and preliminary approval
- ◆ Engineering plan review
- ◆ Construction
- ◆ Final review (recording)
- ◆ Maintenance/defect warranty

Before beginning the process of short subdividing your property, review the following information to thoroughly understand the procedures and steps involved. Many applicants decide that hiring a consultant with expertise in the short subdivision process is the best approach to handling their applications.

### ***STEP ONE: Feasibility conference***

Before filing your short subdivision application, you or your representative should make an appointment to meet with an LUSD technician (call 206-296-6640 to schedule an appointment). At this meeting, you will receive a short subdivision application form and instructions, and you will have an opportunity to discuss your application. You will be informed about zoning requirements for your proposal, whether your proposal will be affected by SEPA, if your property is within a mapped sensitive area, and whether there are general health, access, drainage, and utility requirements. For additional information on zoning requirements, refer to Bulletin #17A, *Zoning Code Overview and Summary*. For SEPA requirements, refer to Bulletin #26, *The SEPA Process*.

**Note: The LUSD technician will try to cover all aspects of your proposal; however, a more intensive investigation of your application after submittal may reveal additional issues.**

## Frequently Asked Questions

### ***STEP TWO: Mandatory preapplication meeting***

If you decide to proceed with your proposal, you must schedule a preapplication meeting with a planner and engineer (there is a fee for this meeting). During the preapplication meeting, issues involving difficult site constraints, access or drainage requirements, and/or sensitive areas may be discussed. Depending on the results of this meeting, you may determine whether to continue with a formal application, which typically involves a substantial financial investment.

### ***STEP THREE: Application and preliminary approval***

Every short subdivision of property begins with an application that includes the following:

- ◆ A completed short subdivision application form.
- ◆ Verification of preapplication approval of your proposed sewage disposal by the Seattle-King County Department of Public Health (if on septic system) and water and sewer certificates, if applicable.
- ◆ A current King County Fire Marshal application.
- ◆ A receipt filled out by the Fire District.
- ◆ Copies of any easements, deed restrictions, or other encumbrances that may restrict use of the property.
- ◆ Documentation of lot creation and the date and method of segregation (see Bulletin #2, *Legal Lot*).
- ◆ A certificate of transportation concurrency.
- ◆ A completed environmental checklist, if required (see Bulletin #26, *The SEPA Process*).
- ◆ A Level 1 drainage analysis.
- ◆ A copy of completed applications for other permits that are to be processed with the short subdivision, or copies of related issued permits, if applicable.

### ***Vesting***

Once LUSD determines that you have submitted a complete application, your project is vested. For short subdivisions that are subject to environmental review under SEPA, your project is vested to the ordinances in effect at the time of the threshold determination (WAC 197-11-660).

Applications containing material errors will be withdrawn and any resubmittals will be treated as new applications. Material error refers to an error in fact or an omission of substantive information that would affect the outcome of the approval.

**Note: If you initiate any substantial changes in your original application or request any revisions that are not made in response to DDES staff review or public appeal, these changes will be treated as new applications for the purposes of vesting. Examples of such changes include creating new lots, eliminating open space, or modifying short plat conditions.**

### ***Public notice***

Once you have submitted an application, you must post a notice of the proposed land use action on or next to the property. Notices are mailed to neighbors and to appropriate jurisdictions and may also be mailed to other interested parties, as well as local and community newspapers. DDES will send applicants instructions regarding notice/posting responsibilities.

## Frequently Asked Questions

### *Review*

A planner and an engineer will review your application for a short subdivision to ensure that it meets County requirements. Review times will vary depending on the complexity of the application.

The review process includes a visit to the site. As a result of the site visit and SEPA review (if one is required), you may have to submit additional information or revise your proposal.

SEPA review is required for the following short subdivisions:

- ◆ Resubdivision of a recorded short plat (second generation short subdivisions)
- ◆ Contiguous short subdivisions (piggyback short subdivisions)
- ◆ Short subdivisions with environmentally sensitive areas
- ◆ Short subdivisions with significant adverse environmental impacts

For more information on the SEPA process, refer to Bulletin #26, *The SEPA Process*.

### *Preliminary decision*

Following completion of the review process, you will receive either preliminary approval, subject to conditions, or notice of denial with an explanation of why your application was denied.

Preliminary approval is effective for 36 months, and a 90-day extension is possible. If any of the conditions of approval are not satisfied and the final short plat is not recorded within the effective time, the approval becomes void.

Site construction may not begin until the following requirements are met:

- ◆ Preliminary approval has been granted.
- ◆ Engineering plans, if required as a condition of preliminary approval, are approved.
- ◆ A financial guarantee for required restoration has been posted and applicable fees paid.
- ◆ A preconstruction conference has been held with the Land Use Inspection Section.

### *Appeals*

Decisions relating to short subdivision approval or denial may be appealed to the Hearing Examiner by any aggrieved party.

**Note: In most cases, appeals must be filed within 14 days of when the decision was mailed. The specific appeal period will be stated in the notice of decision. Appeal letters must specify the reason for the appeal and must include a fee payment. The 14-day appeal period extends to 21 days if a Decision of Non-significance (DNS) has been issued for the project. Appeal arguments must be submitted within 21 days of the date of the decision.**

If you decide to appeal, the Office of the Hearing Examiner will set a date for the appeal hearing. If your project involves other land use appeals, such as those for SEPA rezones and conditional use permits, hearings for the short subdivisions and other types of appeals will be consolidated into one proceeding. King County

## Frequently Asked Questions

Ordinance 12196, which became effective April 1, 1996, provides for consolidation of hearings and authorizes the Hearing Examiner to make final decisions on such consolidations.

The Hearing Examiner, or any other party, is authorized to call a pre-hearing conference to identify, to the extent possible, the facts in dispute, issues, laws, parties, and witnesses in the case, and to set a timeline for presentation of the case.

The conference will be scheduled at least 14 days before the scheduled hearing. At least 14 days of prior notice will be given to those who are parties-of-record to the hearing.

### ***STEP FOUR: Engineering plan review***

Typically, a key requirement for preliminary short subdivision approval is the provision for road or drainage improvements. Designing and constructing road or drainage improvements will probably be the most costly requirement for your short subdivision.

If the application is conditioned upon construction of road or drainage improvements, whether public or private, you may be required to submit a detailed engineering plan that is prepared by a civil engineer licensed in the State of Washington. This engineering plan should show the existing property and proposed improvements. Consult the King County Surface Water Design Manual and King County Road Standards for details on plan submittal requirements. LUSD reviews engineering plans to ensure that the design complies with King County standards and specifications for roads and drainage.

To obtain engineering plan approval following review, you must address all redline comments, pay review and inspection fees, and post a site and right-of-way restoration financial guarantee.

### ***STEP FIVE: Construction***

Following approval of engineering plans, you and/or your contractor must set up a preconstruction conference with the Land Use Inspection Section. You will not be allowed to construct the improvements as part of your subdivision until after this meeting.

Throughout construction, your site will be subject to regular inspections. If construction is not completed within one year from the date of engineering plan approval, you may be asked to pay additional inspection fees.

Inspections are required to ensure that construction follows the approved plan and County specifications. You may have to correct facilities that fail to meet minimum standards or that were not identified on the approved design. You will also have to maintain erosion control facilities regularly or cover disturbed soils until construction activities cease and the site is stabilized.

When improvements are complete, a final inspection will be necessary for County approval and release of financial guarantee(s).

### ***STEP SIX: Final review (recording)***

All short subdivisions require final review before recording. You must complete the final short subdivision forms that were sent to you with the preliminary approval. A land surveyor who is licensed in the State of Washington

## Frequently Asked Questions

must prepare the final short plat. It must be submitted along with the most recent short subdivision title certificate and the final review fee. A supplemental plat certificate is required if the final short plat is not recorded within 30 days of the original certificate or date of the supplemental certificate.

Before final approval (recording), LUSD staff will review the submittal to verify that all information is accurate and that all conditions of the preliminary approval are satisfied.

You have an option to complete road and drainage improvements before recording, or post a performance financial guarantee to ensure that improvements will be completed within one year of the date of recording. Refer to the section of this bulletin that discusses financial guarantees, for more information.

Once your short subdivision is ready to be recorded, you will be notified of the exact recording fee. All taxes must be paid before recording. After receiving the fee, LUSD staff will process your short subdivision with the Department of Assessments and Records and the Department of Elections. After your short subdivision is recorded, the proposed lots will be considered legal separate lots that may then either be sold or transferred and upon which buildings may then be constructed.

### **STEP SEVEN: Maintenance/defect warranty**

If your short subdivision requires public street improvements valued at more than \$1,000, you will be required to post a Maintenance Financial Guarantee for the roads. This financial guarantee is required to warranty that the workmanship, materials, and design of the roads will be free from defects for at least one year. Release of the financial guarantee will require reinspection by the Land Use Inspection Section. The inspection fee is paid at the time of construction approval. If a drainage retention/detention facility is required for your short subdivision, you must post a 2-Year Maintenance and Defect Financial Guarantee. This financial guarantee is required to ensure that you maintain the drainage facilities and repair any failures in design, workmanship, or materials for at least two years. King County will monitor your drainage systems and may notify you of needed maintenance or repair during the 2-year period.

### **What road and drainage improvements are required?**

Road improvements typically are required to ensure that your property has adequate access. Aspects of neighborhood circulation and road patterns will also be evaluated. You may have to construct or improve roads, both on and off site, to provide adequate access. The following may apply to your property:

**Public Streets.** You may have to dedicate (deed) some of your land to widen an existing public street right-of-way, to obtain off-site dedications to extend the existing neighborhood street to serve your property, or to ensure that access for future development is adequate. You may also be required to improve a public street if existing construction does not meet current codes.

**Private roads.** Private roads may be permitted when no public right-of-way is needed, no public safety hazards will result, and only a limited number of lots are being served.

Right-of-way and improvement requirements for private roads vary greatly, depending on lot size, the potential and actual number of lots served, and the existing street network. To satisfy road improvement conditions, you must first obtain approval of your design plans; then construction must be inspected and approved. Under certain conditions, you may do final recording before improvements are constructed by posting financial guarantees or other acceptable securities to guarantee completion of required improvements within one year of final approval.

## Frequently Asked Questions

**Drainage.** Drainage facilities are required to ensure that your short subdivision does not cause an increase in peak surface water runoff to downstream properties. A review for drainage impacts is required for any proposed short plat if any of the following conditions apply:

- ◆ More than 5,000 square feet of new impervious surface is created.
- ◆ Surface water from an area greater than 5,000 square feet is collected and concentrated.
- ◆ The property contains or abuts a floodplain, stream, lake, wetland, closed depression, or a sensitive area.

Typical drainage requirements include on-site water retention/detention facilities, water quality systems, stream bank stabilization, and location of drainage easements and setbacks.

## What else may be required for short subdivisions?

In addition to road and drainage requirements, the following approvals are typically required:

**Public Health.** The Seattle-King County Department of Public Health must approve the water supply and means of sewage disposal.

If your project will be on a septic system, preliminary Health Department approval must be obtained before filing your application. Final Health Department approval is required before recording. In some cases, preliminary approval from the Health Department requires hiring a consultant to conduct an on-site sewage disposal design. Health Department approvals sometimes are delayed for worst case design conditions (winter peaks). The design and delays in obtaining approvals can be very costly if new regulations are implemented or if zoning is revised before your short subdivision application is submitted to LUSD. Your subdivision is not vested until your short subdivision application is complete and accepted for processing.

**Fire Safety.** Fire hydrants and water mains may be required if the lots in your short subdivision are smaller than 35,000 feet. Actual requirements will depend on the number of lots served, existing water pressure and capacity, fire hydrant location, and accessibility for fire-fighting equipment. A fire-flow permit must be obtained and approved before recording. This permit will require verification of access, hydrant location, actual water pressure, and flow capacity for fire-fighting equipment.

**Taxes.** All past-due taxes must be paid before the short subdivision may be recorded.

## What financial guarantees are required for improvements?

If you are required to construct road or drainage improvements as a condition of approval, a financial guarantee must be posted before construction to ensure that conditions are met or the site is restored and stabilized.

The types of financial guarantees and amounts vary according to the types of improvements. The financial guarantees typically required for a short subdivision include the following:

- ◆ Right-of-way and/or Site Restoration
- ◆ Performance
- ◆ Maintenance and/or Defect

## Frequently Asked Questions

A financial guarantee may be in the form of a cash deposit with King County, an assignment of funds with a bank or lending institution, or a bond. Each form also requires a signed agreement from you or your representative. Copies of the financial guarantee forms are available at DDES (see Bulletin #40, *Financial Guarantees*).

### How soon may I short subdivide my property again?

You must wait five years from the date of recording to subdivide again. The 5-year waiting period does not apply if you use the formal subdivision process. However, the formal subdivision process requires a public hearing before the Hearing Examiner and approval by the King County Council. A vacation is effective when the altered short plat is recorded.

The following requirements apply to all short subdivision alterations:

Everyone with an ownership or security interest in the original subdivision lots must sign the final altered short subdivision forms.

If subsequent land development or County planning decisions rely on any features of the original short subdivision, those features must be kept in the altered short subdivision.

If a lot created in the original short subdivision was nonconforming because of insufficient square footage, you may alter the lot-lines without regard to current square footage requirements. You may not alter the lot-lines to make the nonconforming lot smaller. Newly created lots must meet zoning requirements and Board of Health regulations that are in effect when you apply for alteration.

Short subdivision alterations or vacations are generally approved or denied in the same way that the original subdivision was approved, and they must be recorded by DDES with the Division of Records and Elections.

### What if land is bought without first being subdivided?

If land is bought without first being subdivided, civil suit and/or criminal prosecution against both the seller and agent may result. A person who knowingly buys a lot that was not legally created will not be able to get building and other permits for the property.

You may offer lots for sale before short subdivision approval. Lots may be advertised, and earnest money may even be paid, but it is against state law to transfer title until the short subdivision is recorded. Sale offers should be worded carefully to comply with state law.

If the purchaser of an illegally created lot is an innocent purchaser, the lot generally will be treated in the same way as a legally subdivided lot. An innocent purchaser is someone who purchases real property for value, has received no notice that the lot was illegally created, and has not previously been granted innocent purchaser status by the County.

To apply for innocent purchaser status, the buyer must file a notarized affidavit with LUSD attesting to the

## Frequently Asked Questions

above. Contact DDES at 206-296-6640 for more information.

If an innocent purchaser buys an illegally created lot, it will be treated in one of the following ways:

- ◆ If it meets current zoning requirements for access, lot area, and lot width, it will be treated as if it were a legally subdivided lot.
- ◆ If it does not meet current zoning requirements, but did meet the zoning requirements in effect when it was created, the lot will be treated as if it were a legally created substandard lot.
- ◆ If it meets neither current zoning requirements nor those in effect when it was created, the innocent purchaser, who cannot be issued a building permit, may sell the lot, but the lot is not eligible for a building permit.

## Additional information

If you need additional information, please call the Land Use Services Division at 206-296-6640 or visit the DDES office at 900 Oakesdale Avenue Southwest, Renton, WA 98055-1219.

## Other bulletins and telephone numbers that may be helpful

Bulletin 1	Building and Development Permit Telephone Numbers
Bulletin 2	Legal Lot
Bulletin 17A	Zoning Code: Overview and Summary
Bulletin 18A	Zoning Code: Permitted Use Tables
Bulletin 21	Sensitive Areas Review
Bulletin 26	The SEPA Process
Bulletin 29	Drainage Review
Bulletin 34A	Road Variances
Bulletin 34B	Surface Water Design Manual Variances or Adjustments
Bulletin 40	Financial Guarantees

206-296-6600	DDES Information
206-296-6640	DDES Land Use Services Division
206-296-7110	Financial Guarantees Management Unit (FGMU)



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks notice) or require this information in Braille, audiocassette, or large print, please call 296-6693 or TDD 296-7217.